

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. I I

To prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on I I I I I I I I I I I I I I

A BILL

To prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honest and Open New
5 EPA Science Treatment Act of 2017” or the “HONEST
6 Act”.

1 **SEC. 2. DATA TRANSPARENCY.**

2 Section 6(b) of the Environmental Research, Devel-
3 opment, and Demonstration Authorization Act of 1978
4 (42 U.S.C. 4363 note) is amended to read as follows:

5 “(b)(1) The Administrator shall not propose, finalize,
6 or disseminate a covered action unless all scientific and
7 technical information relied on to support such covered ac-
8 tion is—

9 “(A) the best available science;

10 “(B) specifically identified; and

11 “(C) publicly available online in a manner that
12 is sufficient for independent analysis and substantial
13 reproduction of research results, except that any
14 personally identifiable information, trade secrets, or
15 commercial or financial information obtained from a
16 person and privileged or confidential, shall be re-
17 dacted prior to public availability.

18 “(2) The redacted information described in para-
19 graph (1)(C) shall be disclosed to a person only after such
20 person signs a written confidentiality agreement with the
21 Administrator, subject to guidance to be developed by the
22 Administrator.

23 “(3) Nothing in the subsection shall be construed
24 as—

25 “(A) requiring the Administrator to disseminate
26 scientific and technical information;

1 “(B) superseding any nondiscretionary statu-
2 tory requirement; or

3 “(C) requiring the Administrator to repeal, re-
4 issue, or modify a regulation in effect on the date of
5 enactment of the Honest and Open New EPA
6 Science Treatment Act of 2017.

7 “(4) In this subsection—

8 “(A) the term ‘covered action’ means a risk, ex-
9 posure, or hazard assessment, criteria document,
10 standard, limitation, regulation, regulatory impact
11 analysis, or guidance; and

12 “(B) the term ‘scientific and technical informa-
13 tion’ includes—

14 “(i) materials, data, and associated proto-
15 cols necessary to understand, assess, and ex-
16 tend conclusions;

17 “(ii) computer codes and models involved
18 in the creation and analysis of such informa-
19 tion;

20 “(iii) recorded factual materials; and

21 “(iv) detailed descriptions of how to access
22 and use such information.

23 “(5) The Administrator shall carry out this sub-
24 section in a manner that does not exceed \$1,000,000 per

- 1 fiscal year, to be derived from amounts otherwise author-
- 2 ized to be appropriated.”.